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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,167	05/31/2001	John Alexander	EMB1Z001	9135

28875 7590 06/17/2004

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EXAMINER	
GROSS, KENNETH A	

ART UNIT	PAPER NUMBER
2122	5

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/872,167	ALEXANDER ET AL.	
	Examiner	Art Unit	
	Kenneth A Gross	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 2, 4, 5, 9, 10, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwong et al. (U.S. Patent Number 6,289,506).

In regard to Claim 1, Kwong teaches: (a) a platform-independent application capable of being integrated with any one of a plurality of distinct types of programmable platform (Column 5, lines 20-22); (b) a platform independent interface capable of interfacing, at least in part, the platform-independent application with any one of the distinct types of programmable platforms (Column 6, lines 7-11); and (c) a platform-dependent interface situated on a predetermined programmable platform and capable of serving in conjunction with the platform- independent interface in interfacing the platform-independent application with the predetermined programmable platform (Column 6, lines 7-11).

In regard to Claim 2, Kwong teaches that the platform-dependent interface is specifically written to interface with the predetermined programmable platform.(Figure 2, items 220, 230, and 240).

In regard to Claim 4, Kwong teaches that the platform-independent application is specifically written to interface with the platform-independent interface (Column 1, lines 49-61).

In regard to Claim 5, Kwong teaches that the interface between the platform-independent application and the programmable platform is capable of being customized (Column 5, lines 34-67).

In regard to Claim 9, Kwong teaches that the interface is capable of being customized in accordance with user-specified criteria (Column 5, lines 45-67).

In regard to Claim 10, the examiner takes official notice that a GUI is a well-known interface for a user to enter data into a computer.

In regard to Claim 14, the examiner takes official notice that a field-programmable gate array is a well-known chip used in computer platforms, since it is a logic chip that can be programmed.

In regard to Claim 15, Kwong teaches that the interface is written in the JAVA programming language, which is a C based language (Figure 2, item 204). Architecture

In regard to Claim 16, Claim 16 contains limitations that have already been addressed in the rejection of Claim 1, and Claim 16 is rejected for the same reasons as Claim 1, where Kwong teaches a plurality of platform-independent applications (Figure 2, item 202).

In regard to Claim 17 and 18, Claims 17 and 18 are method and program product claims that correspond with system Claim 1, and are rejected for the same reasons as Claim 1, where Kwong teaches a method (Figure 7) and product (Column 11, lines 59-63 and Column 12, lines 1-7).

In regard to Claim 19, Claim 19 contains limitations that have already been addressed in the rejections of Claims 1, 9, and 10, and Claim 19 is rejected for the same reasons as these Claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of "Microsoft sheds it Java skin – again" by John Zukowski, JavaWorld <URL: http://www.javaworld.com/javaworld/jw-08-1998/jw-08-pitfalls-update_p.html>, August 1998 (hereinafter Zukowski).

In regard to Claim 3, Kwong teaches the method of Claim 2, but does not teach that the platform-dependent interface includes a library of platform-dependent resource interfaces which are wrapped with a standard interface capable of being accessed by the platform-independent interface. Zukowski, however, does teach native interface libraries for Java Native Interfaces for specific platforms. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Kwong, where that the platform-dependent interface includes a library of platform-dependent resource interfaces which are wrapped with a standard interface capable of being accessed by the platform-independent interface as taught by Zukowski, since this allows the platform-independent interface to interact with interfaces for different hardware platforms.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of Comeau et al. (U.S. Publication Number 2002/0161957 A1).

In regard to Claim 6, Kwong teaches the method of Claim 5, but does not teach that the interface is customized by accommodating the specific port requirements of the platform-independent application. Comeau, however, does teach ports used platform-independent applications to communicate (Figure 1, item 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 5, as taught by Kwong, where the interface is customized by accommodating the specific port requirements of the platform-independent application, as taught by Comeau, since this allows the application to communicate with the platform-independent interface.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of Yan et al. (U.S. Patent Number 6,003, 065).

In regard to Claim 7, Kwong teaches the method of Claim 5, but does not teach that the interface is customized by including and excluding peripherals based on the requirements of the platform- independent application. Yan, however, does teach an interface configured for the application that allows the application to interact with peripherals (Column 9, lines 43-53 and Column 20, lines 63-67, and Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 5, as taught by Kwong, where the interface is customized by including and excluding peripherals based on the requirements of the platform- independent application, as taught by Yan, since this allows for a customized interface for interacting with peripherals.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of Robinson et al. (U.S. Patent Number 5,544,356).

In regard to Claim 8, Kwong teaches the method of Claim 5, but does not teach that the interface is customized by dedicating memory resources required by the platform independent application. Robinson, however, does teach an interface to an application that allocates memory resources to the application (Column 2, lines 8-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 5, as taught by Kwong, where the interface is customized by dedicating memory resources required by the platform independent application, as taught by Robinson, since this allows for a customized interface for allocating memory for the application without the application knowing the specific details of the memory system.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of Fowlow et al. (U.S. Patent Number 5,949,998).

In regard to Claims 11, Kwong teaches the method of Claim 1, and further teaches that a plurality of the applications is included each with a unique platform-independent application utilizing a single platform-independent interface (Figure 2, items 212 and 204). Kwong does not teach that the interface includes a plurality of plugs. Fowlow, however, does teach a software part that contains a plurality of plugs to interface with other software parts (Column 19, lines 28-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, where a plurality of the applications is included each with a unique platform-independent application utilizing a single platform-independent interface, as taught by Kwong, where the interface includes a plurality of plugs, as taught by Fowlow, since this lets the application communicate with other applications.

In regard to Claim 12, Kwong and Fowlow teach the method of Claim 11, and Kwong does not teach that the platform-dependent interface contains a plurality of sockets allocated to the plugs. Fowlow, however, does teach a software part that contains a plurality of sockets allocated to plugs (Column 19, lines 28-35 and 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 11, as taught by Kwong and Fowlow, where the platform-dependent interface contains a plurality of sockets allocated to the plugs, as taught by Fowlow, since this allows connections to be made between the applications.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwong et al. (U.S. Patent Number 6,289,506) in view of Fowlow et al. (U.S. Patent Number 5,949,998) and further in view of Robinson et al. (U.S. Patent Number 5,544,356).

In regard to Claim 13, Kwong and Fowlow teach the method of Claim 11, but do not teach that the platform-dependent interface is capable of reserving resources for a plurality of applications. Robinson, however, does teach an interface to an application that allocates memory resources to the application (Column 2, lines 8-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 11, as taught by Kwong and Fowlow, where that the platform-dependent interface is capable of reserving resources for a plurality of applications, as taught by Robinson, since this allows for an interface for allocating resources for applications without the applications knowing the specific details of the memory system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG

TUAN DAM
SUPERVISORY PATENT EXAMINER